

IN THE
SUPREME COURT OF THE UNITED STATES

No. 20-1374

CVS PHARMACY, INC.; CAREMARK, L.L.C.;
AND CAREMARK CALIFORNIA SPECIALTY
PHARMACY, L.L.C.,
Petitioners,

v.

JOHN DOE ONE, RICHARD ROE, JOHN DOE
THREE, JOHN DOE FOUR, AND JOHN DOE
FIVE, ON BEHALF OF THEMSELVES AND
ALL OTHERS SIMILARLY SITUATED,
Respondents.

On Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit

**SUGGESTION OF DEATH AND
MOTION FOR SUBSTITUTION**

I. SUGGESTION OF DEATH

Counsel for Respondents hereby give notice of the death of Respondent John Doe Three on August 13, 2021.

II. MOTION FOR SUBSTITUTION

Supreme Court Rule 35.1 provides, “If a party dies after the filing of a petition for a writ of certiorari to this Court ... the authorized representative of the deceased party may appear and, on motion, be substituted as a party.” John Doe Four is the executor of John Doe Three’s estate and is his authorized representative with regard to this litigation. John Doe Four has agreed to

participate as a party to this case as John Doe Three’s authorized representative in addition to his personal capacity. Therefore, Respondents propose that they be listed in the caption of the case as “John Doe One, Richard Roe, John Doe Four in his personal capacity and as the authorized representative of John Doe Three, and John Doe Five, on behalf of themselves and all others similarly situated.”¹

Respectfully submitted,

/s/ Gerald S. Flanagan

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August 30, 2021

¹ Petitioner does not oppose this request.

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CERTIFICATE OF SERVICE

I, Gerald S. Flanagan, a member of the Bar of this Court and counsel for petitioners, hereby certify pursuant to Rules 29.3 and 29.5(b) of the Rules of the Supreme Court, that I served the attached Suggestion of Death and Motion for Substitution, filed this 30th day of August, 2021, on all parties required to be served, by causing copies of the document to be sent via email and first class mail, as indicated below:

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/s/ Gerald S. Flanagan
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